

REMARKS

Applicants have amended claims 1, 5, 6, 9, and 16 and have added new claims 17-23. Applicants note with appreciation the Office's indication that claims 5-6 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. In view of the above amendments and the following remarks, reconsideration of the outstanding office action is respectfully requested.

The Office has rejected claims 1-3, and 9-10 under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 4,409,442 to Kamimura (Kamimura), claims 1, 4, 7, and 9-15 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 4,571,746 to Gorike (Gorike), and claims 8 and 16 under 35 U.S.C. 103(a) as being unpatentable over Gorike. The Office asserts that Kamimura teaches a foldable headphone unit with a top member (16, 17 and 18, or 11-1 and 11-2), a first extendable sidepiece (11-1, 12-1 and 30), a second extendable sidepiece (11-2, 12-2 and 30), a first earpiece (13-1), and a second earpiece (13-2). The Office also asserts that Kamimura teaches the first and second extendable earpieces can be extended and allow the first and second earpieces to pivot as claimed (figures 1 and 8). The Office asserts that Gorike teaches a foldable headphone unit that comprises a top member (7, or 1 and 2), a first extendable sidepiece (1, 3, 5, 16, 11), a second extendable sidepiece (2, 4, 6, 16, 11), a first earpiece (8), and a second earpiece (8). Additionally, the Office asserts that Gorike teaches the first and second extendable earpieces can be extended and thereby allowing the first and second earpieces to pivot as claimed (figures 1 and 8). Further, the Office asserts that Gorike does not teach first and second yoke assemblies having the forked shapes as claimed, but the Examiner takes Official Notice that providing a yoke assembly having a forked shape to couple to the earpiece is very well known in the art.

Neither Kamimura nor Gorike, alone or in combination, disclose or suggest, "a first extendable sidepiece coupled to said top member about a first rotatable connection . . . a second extendable sidepiece coupled to said top member about a second rotatable connection, wherein said first rotatable connection is spaced from said second rotatable connection along said top member" as recited in claim 1, "rotating said first extendable sidepiece coupled to said top member about a first rotatable connection . . . rotating said second extendable sidepiece coupled to said top member about a second rotatable connection, wherein said first rotatable connection is spaced from said second rotatable connection along said top member" as recited in claim 9, or "wherein said first means for connecting comprises

a first rotatable connection between said first upper-side member and said top-member . . . wherein said second means for connecting comprises a second rotatable connection between said second upper-side member and said top-member, wherein said first rotatable connection is spaced from said second rotatable connection along said top-member” as recited in claim 16.

The Office’s attention is respectfully directed to FIGS. 1 and 2, col. 2, lines 55-60, and col. 3, lines 12-18 in Kamimura which illustrate and disclose that first band piece 11-1 and second band piece 11-2 are rotatably interconnected about the same shaft 18 which is seated in mounting holes 17 in coupling pieces 16-1 and 16-2. Additionally, the Office’s attention is respectfully to FIG. 1, col. 3, lines 47-51, and col. 4, lines 37-39 in Kamimura which illustrate and disclose that the end portion of the first band piece 11-1 is slidably mounted to a first end piece 12-1 and the end portion of the second band piece 11-2 is slidably mounted to a second end piece 12-2.

Similarly, the Office’s attention is respectfully directed to FIGS. 1 and 3 and col. 3, lines 35-36 in Gorike which illustrate and disclose that the headband parts 1 and 7 are joined by the same hinge 7. Additionally, the Office’s attention is respectfully directed to FIGS. 1-4, 6, and 7 and col. 3, lines 58-62 in Gorike which illustrate and disclose that central part 3 is made with a slideway 9 for guiding adjoining headband part 1 and central part 4 is made with a slideaway 10 for guiding adjoining headband part 2.

As disclosed on page 2 of the above-identified patent application, Kamimura provides foldable headphones that contain a single, central pivot point. Similarly, Gorike discloses a collapsible headband with a central pivot point. The present invention provides a foldable headphone unit which increases the foldability options. As a result, the present invention provides a headphone unit that can be more easily adjusted for use and also for safe and protected storage.

In view of the foregoing amendments and remarks, the Office is respectfully requested to reconsider and withdraw the rejection of claims 1, 9, and 16. Since claims 2-4, 7, and 8 depend from and contain the limitations of claim 1 and claims 10-15 depend from and contain the limitations of claim 9, they are distinguishable over the cited references and are patentable in the same manner as claims 1 and 9.

The Office has objected to claims 5-6 as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Accordingly, Applicants have rewritten claims

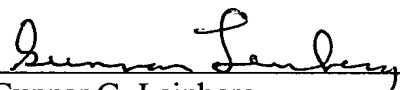
5 and 6 in independent form including all of the limitations of the base claim and any intervening claims. In view of the foregoing amendments and remarks, the Office is respectfully requested to reconsider and withdraw the objection to claims 5 and 6.

Applicants have added new dependent claims 17-23 which are believed to be distinguishable over the cited references and in condition for allowance. A notice to this effect is respectfully requested.

In view of all of the foregoing, applicant submits that this case is in condition for allowance and such allowance is earnestly solicited.

Respectfully submitted,

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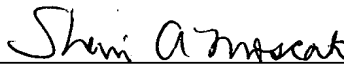
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